

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENISE L. SHARP,

Defendant.

CR-17-69-GF-BMM

ORDER

Defendant Denise L. Sharp appeared before United States Magistrate Judge John Johnston on December 11, 2018, for a change of plea hearing. (Doc. 144.) Sharp entered a plea of guilty to Theft from an Indian Tribal Government Receiving Federal Funding, in violation of 18 U.S.C. §§ 666(a)(1)(A), 2, and Wire Fraud in violation of 18 U.S.C. §§ 1343, 2, as charged in the Superseding Indictment. (Docs. 144, 146 at 1.) Sharp plead not true to the forfeiture allegation as contained in the Superseding Indictment. (Doc. 144.) Judge Johnston entered Findings and Recommendations on December 11, 2018. (Doc. 146.)

Judge Johnston determined: (1) that Sharp was fully competent and capable of entering an informed and voluntary plea; (2) that Sharp was aware of the nature of the charges against her and the consequences of pleading guilty to the charges in

Count I and Count II; (3) that Sharp understood her constitutional rights, and the extent to which she was waiving those rights by pleading guilty; and (4) that Sharp's plea of guilty was knowing and voluntary plea supported by an independent basis in fact sufficient to prove each of the essential elements charged in Count I and Count II. (Doc. 146 at 1-2.)

Judge Johnston recommended that the Court accept Sharp's plea of guilty to Theft from an Indian Tribal Government Receiving Federal Funding as charged in Count I of the Superseding Indictment, and to Wire Fraud as charged in Count II of the Superseding Indictment. (Doc. 146 at 2.)

Neither party filed objections. The Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error and adopts Judge Johnston's Findings and Recommendations in full.

According, IT IS ORDERED that Sharp's Motion to Change Plea (Doc. 129) is GRANTED.

DATED this 28th day of December, 2018.



Brian Morris
United States District Court Judge